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September 5, 2019

Via Hand Delivery and Email

Chair Paul Spieler and Members of the
Building and Fire Code Board of Appeals
c/o Greta Walters, Executive Assistant
City of Santa Barbara
Community Development Dept.
630 Garden Street
Santa Barbara, CA 93103

BUILDING AND FIRE CODE BOARD OF APPEALS HEARING
SEPTEMBER 5, 2019
APPEAL OF NOTICE OF VIOLATION 2015 GREEN LANE

Dear Mr. Spieler and Members of the Building and Fire Code Board of Appeals,

My office represents the interest of Ryan and Vanessa Shotwell who own and reside in the property at 2015 Green Lane. We are in receipt of your letter dated July 3, and the Memorandum from Andrew Stuffer, Chief Building Official, to the Building and Fire Code Board of Appeals. Mr. and Mrs. Shotwell have appealed the staff determination to your Board and we ask that the appeal be granted.

The problem with the staff determination is that it ignores the fact that the residential cottages at 2015 Green Lane have been in existence since prior to 1930 when the City's first zoning ordinance was adopted (Ordinance 1493, cover page and Adoption Certificate enclosed), and therefore constitute a legal non-conforming use of the property. The currently applicable Zoning Ordinance does not apply because of the prior non-conforming use of the property.

Where a property owner is seeking to overturn a property-specific zoning restriction, the doctrine of prior non-conforming uses allows the owner to continue a previously established lawful use that has become non-compliant due to a change in the applicable zoning. *Safeway Stores, Inc. v. City Council of San Mateo*, 86 Cal.App.2d 277, 281 (1st Dist. 1948). A non-conforming use is a lawful use existing on the effective date of the zoning restriction and continuing thereafter in non-conformance with the new zoning. *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 552.

Chair Paul Spieler and Members of the
Building and Fire Code Board of Appeals
September 5, 2019
Page 2

The enclosed August 28, 2019 report of Post/Hazeltine Associates, Architectural Historians, states:

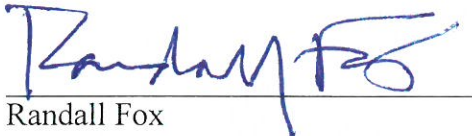
“The cottage and its attached residential unit, the detached studio and the garage attached to the studio were built sometime before December 31, 1927. Based on their architectural types, construction materials and construction techniques, these buildings were likely built sometime between circa-1905 and the early to mid-1920s as residential units.”

(Post/Hazeltine Associates Summary and Conclusions, page 4).

Based on the facts established by the architectural historians, the current uses of 2015 Green Lane have been in place since at least the early to mid-1920s as residential units. Accordingly, they are existing legal non-conforming uses which have remained unchanged over time and therefore are not subject to the current zoning regulations. Changes to zoning regulations adopted after these units were constructed are not applicable to them.

Sincerely,

REETZ, FOX & BARTLETT LLP


Randall Fox

RF/jks

Shotwell\3-Land Use\1-Corr\Spieler.19.09.05.docx

Enclosures:

- Ordinance 1493 Adoption Certificate
- Post/Hazeltine Associates Report

cc: Ryan and Vanessa Shotwell
Pam Post
Andrew Stuffer, Chief Building Inspector

ORDINANCE NO...14...93

A ZONING ORDINANCE ESTABLISHING CLASSIFICATIONS AND DISTRICTS AND REGULATING THEREIN THE USE OF PROPERTY WITHIN THE CITY OF SANTA BARBARA, CALIFORNIA, DEFINING TERMS USED IN SAID ORDINANCE, PROVIDING FOR AIRPORT AND PUBLIC UTILITY PERMITS THEREUNDER, THE ENFORCEMENT AND AMENDMENT THEREOF, PRESCRIBING PENALTIES FOR ITS VIOLATION, AND REPEALING INCONSISTENT ORDINANCES TO THE EXTENT OF THEIR BEING INCONSISTENT HEREWITH.

THE COUNCIL OF THE CITY OF SANTA BARBARA, CALIFORNIA, do ordain as follows:

SECTION 1: DEFINITIONS.

This ordinance shall be known as "The Zoning Ordinance" and for the purpose of this ordinance certain words and terms are defined as follows:

Words used in the present tense include the future, except where the natural construction of this ordinance otherwise indicates; words in the singular number include the plural and words in the plural number include the singular; the word "Building" includes the word "Structure" and the word "Shall" is mandatory and not directory. The word "Council" when used herein shall mean the "Council of the City of Santa Barbara" and "Planning Commission" shall mean the City Planning Commission of the City of Santa Barbara.

Accessory Building: A subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot.

Where an accessory building is attached to and made a part of the main building, at least fifty percent (50%) in length of one of the walls of such accessory building shall be an integral part of the main building and such accessory building shall comply in all respects with the requirements of this ordinance applicable to a main building. An accessory building, unless attached

STATE OF CALIFORNIA, }
COUNTY OF SANTA BARBARA. } ss.

I HEREBY CERTIFY That the foregoing Ordinance passed its first, second and final readings before the Council of the City of Santa Barbara, and was finally passed on the 26th day of June 1930, by the following vote on roll call:

YEAS: COUNCILMEN Chas. Allen, Leland Crawford, H. R. Graham, Walter McIntosh,
Harry Smith.

NAYS: COUNCILMEN None

ABSENT: COUNCILMEN A. I. Page.

It is hereby presented to the Mayor of said City for his approval on this 27th day of June 1930

(SEAL)

BY S. B. TAGGART, City Clerk.
Faye Langfield
DEPUTY City Clerk of said City.



by me this 27th day of June 1930.

A. R. Kinley
Mayor of said City.

The foregoing Ordinance is hereby approved this 27th day of June 1930

A. R. Kinley
Mayor of said City.

Post/Hazeltine Associates

Architectural Historians
2607 Orella Street
Santa Barbara, CA 93105
Phone: (805) 682-5751
e-mail: posthazeltine@cox.net

August 28, 2019

Ryan Shotwell
Vanessa Shotwell
2015 Green Lane,
Santa Barbara, California

Summary of Property History Research for 2015 Green Lane (APN 025-321-011), Santa Barbara, California

Introduction

This memo provides a property development history for the parcel at 2015 Green Lane in the Upper East Neighborhood of Santa Barbara. The development history is based on data derived from an onsite survey completed on July 25, 2019 and review of permit files archived at the City of Santa Barbara, maps, city directories and biographical files archived at the Gledhill Library, Santa Barbara Historical Society and maps on file at the County of Santa Barbara Surveyor's Office as well as documents archived at Davidson Library, UCSB, including aerial photographs in the Map and Imagery Room at the Davidson Library.

Current Improvements at 2015 Green Lane

Existing Lot History

- In 1904 the block was surveyed by F.F. Flournoy (Exhibit 1). The survey identifies the future location of 2015 Green Lane as part of a larger 212.4-foot by 228.3-foot lot bordered by the southeasterly boundary of the Howard property;
- In 1904 a permit was granted to a Mrs. Chase to build a one-story wood frame house off of Mission Street (January 29, 1904). This Mrs. Chase does not appear to have been Nina Chase the wife of Hezekiah Chase, but instead Mrs. Ida Chase who owned two lots abutting or adjacent to the Hezekiah Chase property. Moreover, the house at 2012 Anacapa Street is a two-story building and Chases rented 2012 Anacapa Street from 1905 until sometime after 1910 as documented the 1910 census, which list Hezekiah as renting rather than owning 2012

Post/Hazeltine Associates
Property History Review
2015 Green Lane (APN 025-321-011) Santa Barbara, California
August 28, 2019

Anacapa Street. If this permit was for Mrs. Ida Chase, it likely refers to the existing house at 115 East Mission Street or its sleeping room;

- By 1912, the lot was part of a larger L-shaped parcel encompassing what is now 115 East Mission Street, 2015 Green Lane and strip of land extending to Anacapa Street owned by Mrs. I. S. Chase (Ida Stewart Chase). Ida Chase also owned the lot 2024 Anacapa Street, which had previously been part of the Howard property (Exhibit 2). There is no indication that Ida Chase or her husband George Chase were relatives of Hezekiah Chase who resided on the adjacent lot at 2012 Anacapa Street from 1905 until the late 1970s (his daughter was Pearl Chase);
- The lot at 2015 Green Lane (then 2020 Anacapa Street) was subdivided off as an individual parcel sometime before 1920 as it is depicted on a survey map of that year as a separate lot (Exhibit 2a);
- The 1920 Census does not list occupants for 2020 Anacapa Street. The census does, however, identify the Fredrick Horridge family as living at 2010 Anacapa Street, which may be an earlier address for what is now 2015 Green Lane, although this could not be confirmed from existing records;
- By 1924, 2015 Green Lane (then 2020 Anacapa Street) was owned by Francisco Manrique and his wife Augusta. The Manrique family who owned the house, would reside on the property until 1935 (data derived from the 1930 Census and City Directories from 1924 through 1935);
- The existing cottage and its attached residential unit and the lot's detached residential unit (studio) were built sometime before December 31, 1927 as all three buildings are depicted on a 1927 aerial photograph (Exhibit 3);
- All three existing buildings are also depicted on a 1929 aerial photograph (Exhibit 4);
- The 1930 Census has two listings for the 2020 address, one lists the Manrique family living at 2020 Anacapa Street with a separate listing also for 2020 Anacapa Street which lists Andrew Seaborg, a chauffeur, living at a separate residence at 2020 Anacapa Street;
- The 1931 Sanborn Fire Insurance Map depicts three buildings at 2020 Anacapa Street ((Exhibit 5). These are the same three buildings depicted on the 1927 aerial photograph. The larger structure with an address of 2020 Anacapa Street is composed of two units, both one-story. A smaller detached building identified as a sleeping room with the address of 2020 ½ Anacapa Street, is also depicted on the map. We would like to note that the assignment of an address to the studio at 1220 ½ Anacapa Street suggests it had a residential use;
- In 1935, 2015 Green Lane (then 2020 Anacapa Street) was rented by Jessie Ford and her daughter Kathryn Bates (1940 Census, which identifies the family as living at 2020 Anacapa Street in 1935);

- By 1940 Jessie Ford had purchased 2020 Anacapa Street (now 2015) Green Lane (as noted by City Permit B4768, January 18, 1946);
- By 1938 Hezekiah Chase owned the lot at 115 East Mission Street abutting the study parcel (per City Permit B2900 for 115 East Mission Street issued December of 1938 to Hezekiah Chase);
- In June of 1947, Mrs. J. Ford the then owner of 2020 Green Lane was issued Building Permit C-2972 to enclose an existing porch. The permit describes the property's built-improvements as follows: "Dwelling, Guest Rooms & Garage." The guestrooms most likely refer to the studio attached to the garage and the unit attached to the house;
- An inspection was requested for a bathroom installation for the studio (described as "bedrooms connected to garage." The request for inspection "could not be done as building is connected to adjoining building on adjoining property" (Street File for 2015 Green Lane, noted from E. E Martin, dated February 21, 1947). While the inspection was not carried-out, it is likely that a bathroom had existed for some period of time before the request for inspection as the building is identified as a sleeping room as early as 1931;
- A survey of the property prepared in January of 1947 by Penfield and Smith describes the studio as a "House" (Exhibit 6).
- The property's buildings are depicted on a 1948 aerial photograph (Exhibit 7);

Cottage and attached residential unit

This is a one-story wood frame cottage set on a raised foundation. The exterior is wood board-and-batten siding capped by complex gable roof covered in composition shingles. Window types are primarily wood frame types of varying dimensions. A one-story residential unit is attached to the cottage's northwest elevation. This addition features a flat roof surrounded by a parapet capped with terra cotta roof tiles, stucco walls and a chimney at its west corner.

- The cottage and its attached unit were built before December of 1927 as they are depicted on an aerial photograph of that year (see Exhibit 3);
- The configuration of the cottage and its attached unit has not been substantially altered since a porch was enclosed in the 1940s. This conclusion is confirmed by a review of the earliest available aerial photographs including 1927, 1929 and 1948 and the 1931 Sanborn Fire Insurance Map (Exhibits 3 - 7);
- The cottage's vernacular style architecture with its board-and-batten walls and wood frame windows and gable roof suggest a construction date between the circa 1905 and 1920;
- The cottage's attached unit with its plastered walls and chimney flat roof surrounded by a parapet capped by terra cotta tiles suggest it was built in the 1920s; and

- The detached unit's (studio) simple vernacular materials such as board and batten and wood frame windows with no architectural embellishments indicate a construction date between circa-1905 and the early 1920s.

Detached unit, garage and pergola style carport

This detached vernacular style studio residential unit is set flush with the property line of 115 East Mission Street and its southeast wall is flush with the exterior wall of a detached room located on the property at 115 East Mission Street. The building is of wood construction with board-and-batten walls and a complex gable roof. The pergola style carport features wood posts and an openwork wood roof.

- The small residential unit was built as a sleeping room before December 31, 1927 (Exhibits 3 & 5). Sleeping Room is a descriptive term for a single-room residence usually with a bathroom intended to serve as a studio-like unit, usually for a family's servants or for use as a rental. This type of small-scale unit was a not uncommon feature of residential properties in downtown Santa Barbara during the first half of the 20th Century. The Hezekiah Chase house at 2012 Anacapa Street, the adjoining property at 115 East Mission Street also featured small detached sleeping rooms built before 1927 (The sleeping room at 2012 Anacapa Street was built in 1927 per a city permit (Exhibit 5); and
- The residential unit's Vernacular style architecture with its board-and-batten walls and sandstone fireplace, wood frame windows and gable roof suggest a construction date between the circa-1905 and early to mid-1920s. Its identification on the 1931 Sanborn Fire Insurance Map as a sleeping room identifies its original function as a residential structure;

Summary and Conclusions

The cottage and its attached residential unit, the detached studio and the garage attached to the studio were built sometime before December 31, 1927. Based on their architectural types, construction materials and construction techniques, these buildings were likely built sometime between circa-1905 and the early to mid-1920s as residential units.

Sincerely,



Pamela Post, Ph.D., senior Partner

cc Randell Fox, Esq. Reetz, Fox and Bartlett

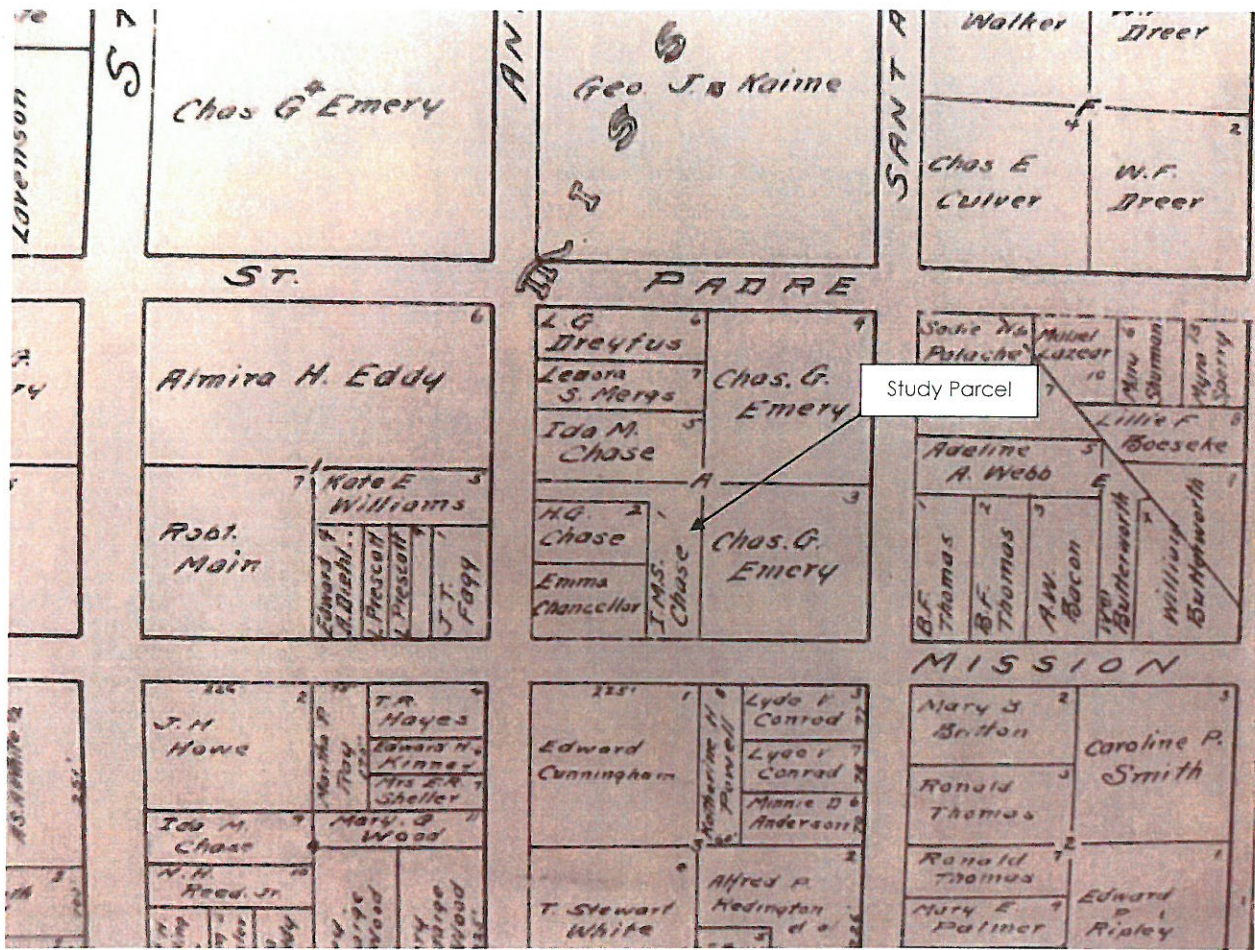


Exhibit 2, 1912 Barry Map of Santa Barbara
(Gledhill Library, Santa Barbara Historical Museum)

MAP
OF
SURVEY MADE BY F.F. FLOURNOY
OF A PORTION OF
CITY BLOCK A, MISSION ADDITION
SANTA BARBARA, CALIF.
OCTOBER 1920
SCALE, ONE INCH = 30 FEET

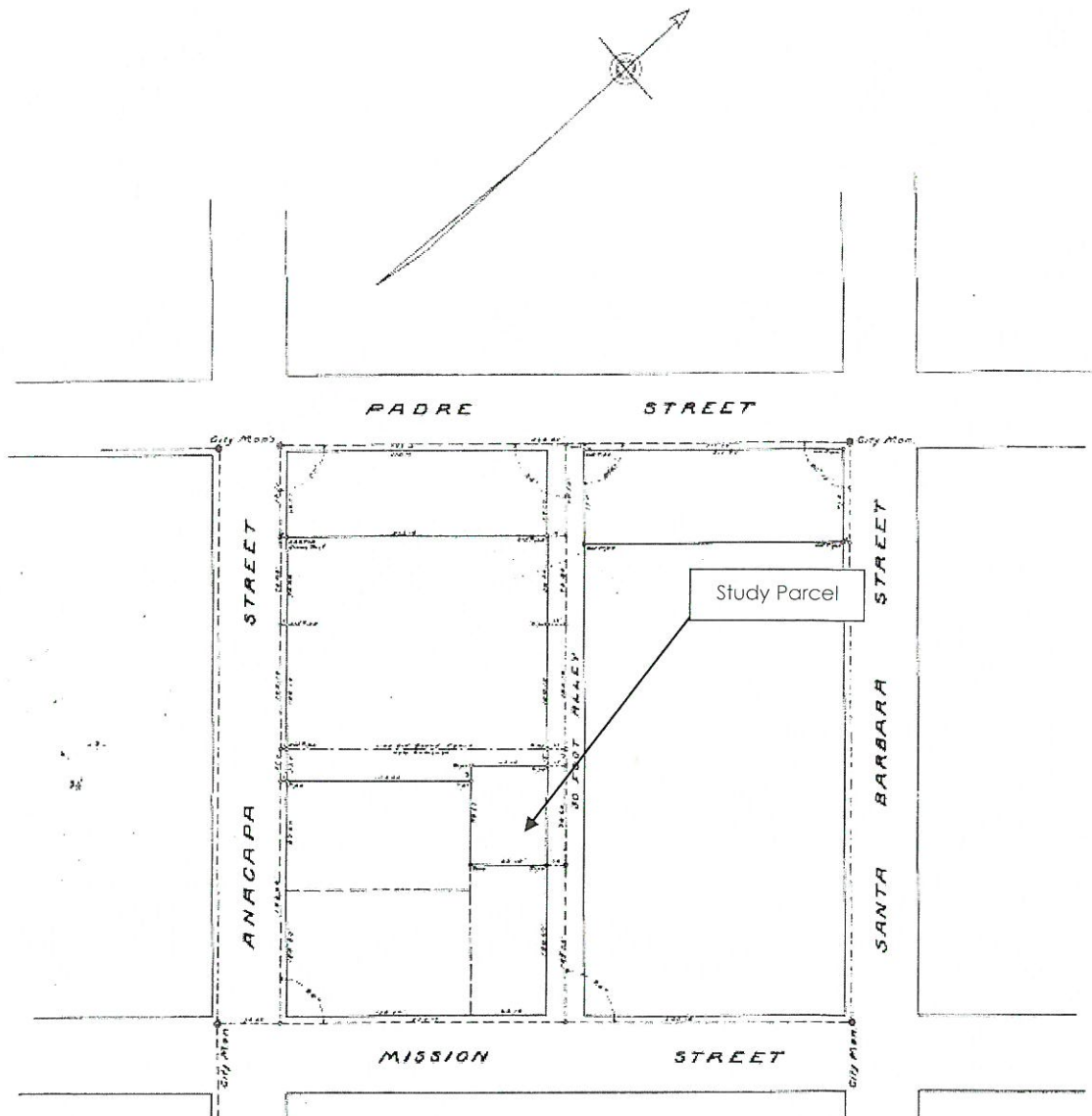


Exhibit 2a, 1920 Flournoy Survey of a Portion of Block A of the Mission Addition
(Gledhill Library, Santa Barbara Historical Museum)



Exhibit 3, Aerial Photograph Depicting Cottage its attached Unit, Detached Unit and Garage

**December 31, 1927 Aerial Photograph
(Flight c-311c_b-10-1927, Map and Imagery Room, Davidson Library, UCSB)**



**Exhibit 4, Depicting Cottage, its Attached Unit, Detached Unit and Garage
January 31, 1929 Aerial Photograph
(Flight c-430_b35, Map and Imagery Room, Davidson Library, UCSB)**

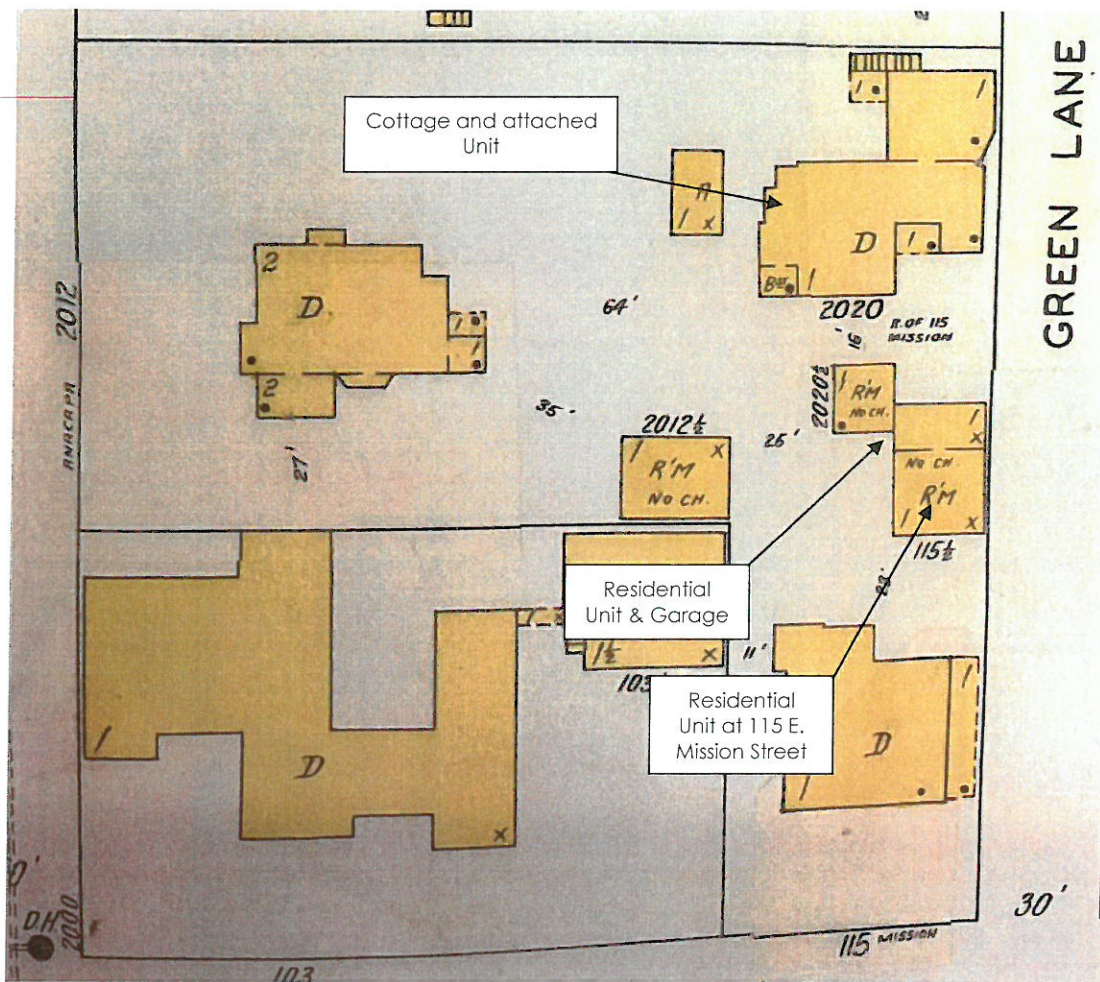


Exhibit 5, Sanborn Fire Insurance Map of 1931 Depicting Cottage, its Attached Unit, Detached Unit and Garage



**Exhibit 7, Depicting Cottage, its Attached Unit, Detached Unit and Garage
1948 Aerial Photograph
(Flight C-12790_1-195, Map and Imagery Room, Davidson Library, UCSB)**



Exhibit 3, Aerial Photograph Depicting Cottage its attached Unit, Detached Unit and Garage

December 31, 1927 Aerial Photograph

(Flight c-311c_b-10-1927, Map and Imagery Room, Davidson Library, UCSB)

ANACAPA 2012

D.H. 2000

103

50'

27'

35'

64'

2012 1/2

Rm
NO CH.
X

26'

2020 1/2
Rm
NO CH.
X

2020
R. OF 115
MISSION
16'

115 1/2

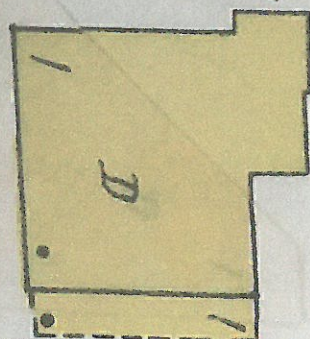
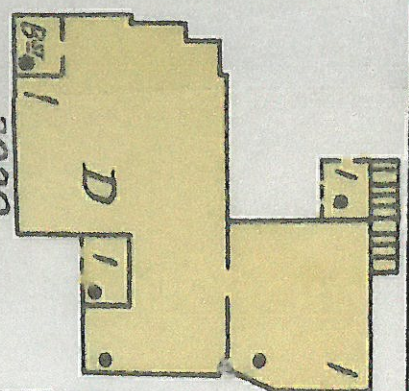
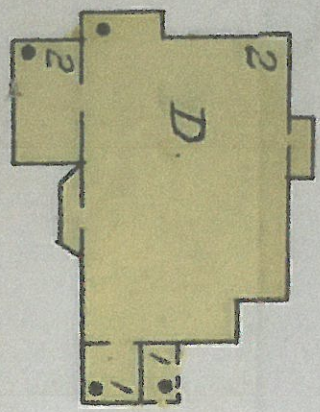
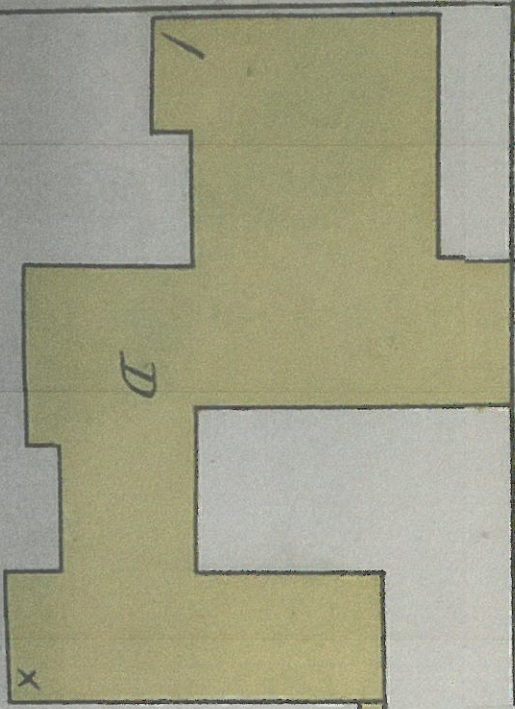
Rm
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23'

11'

103 1/2

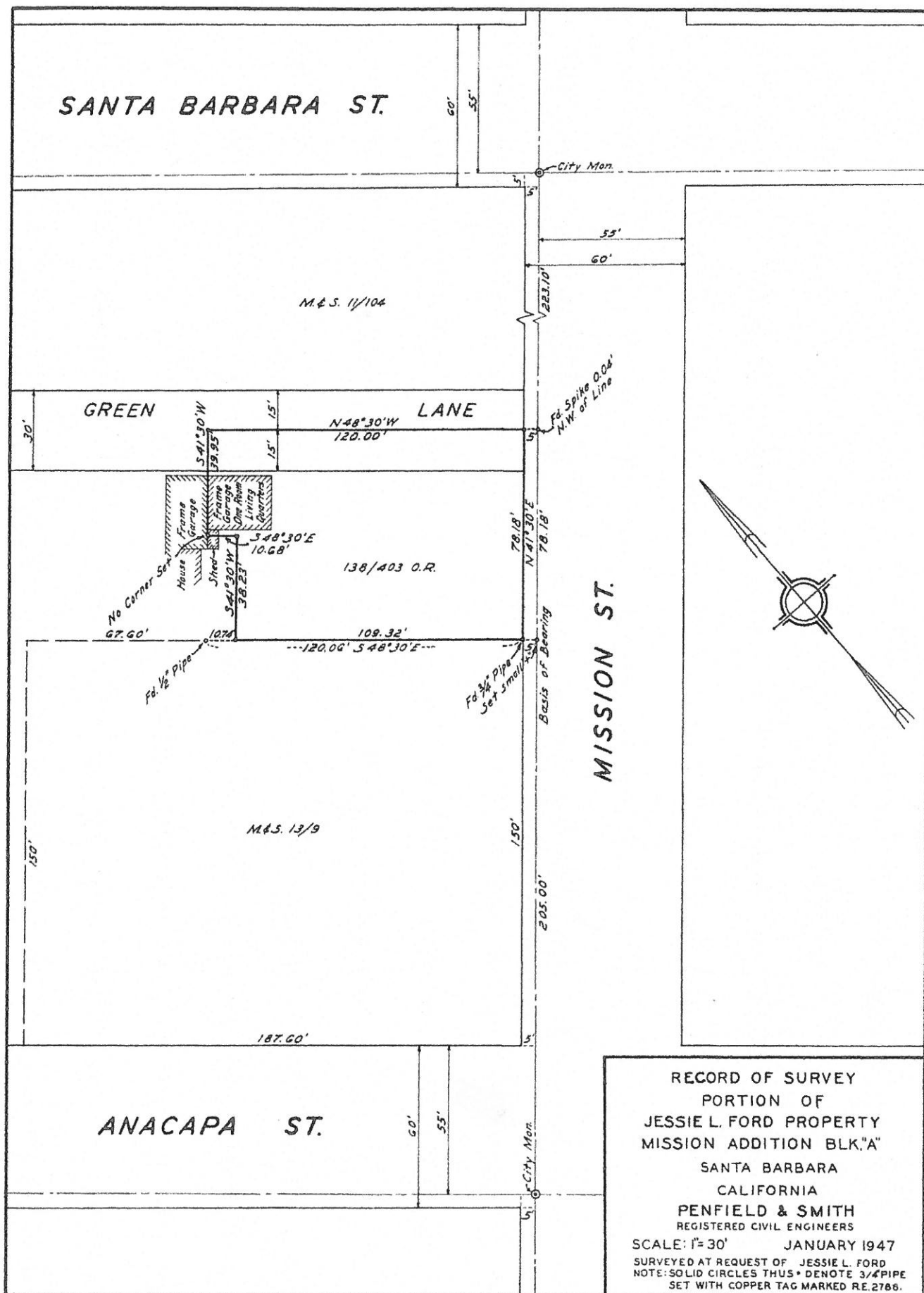
H & Rms
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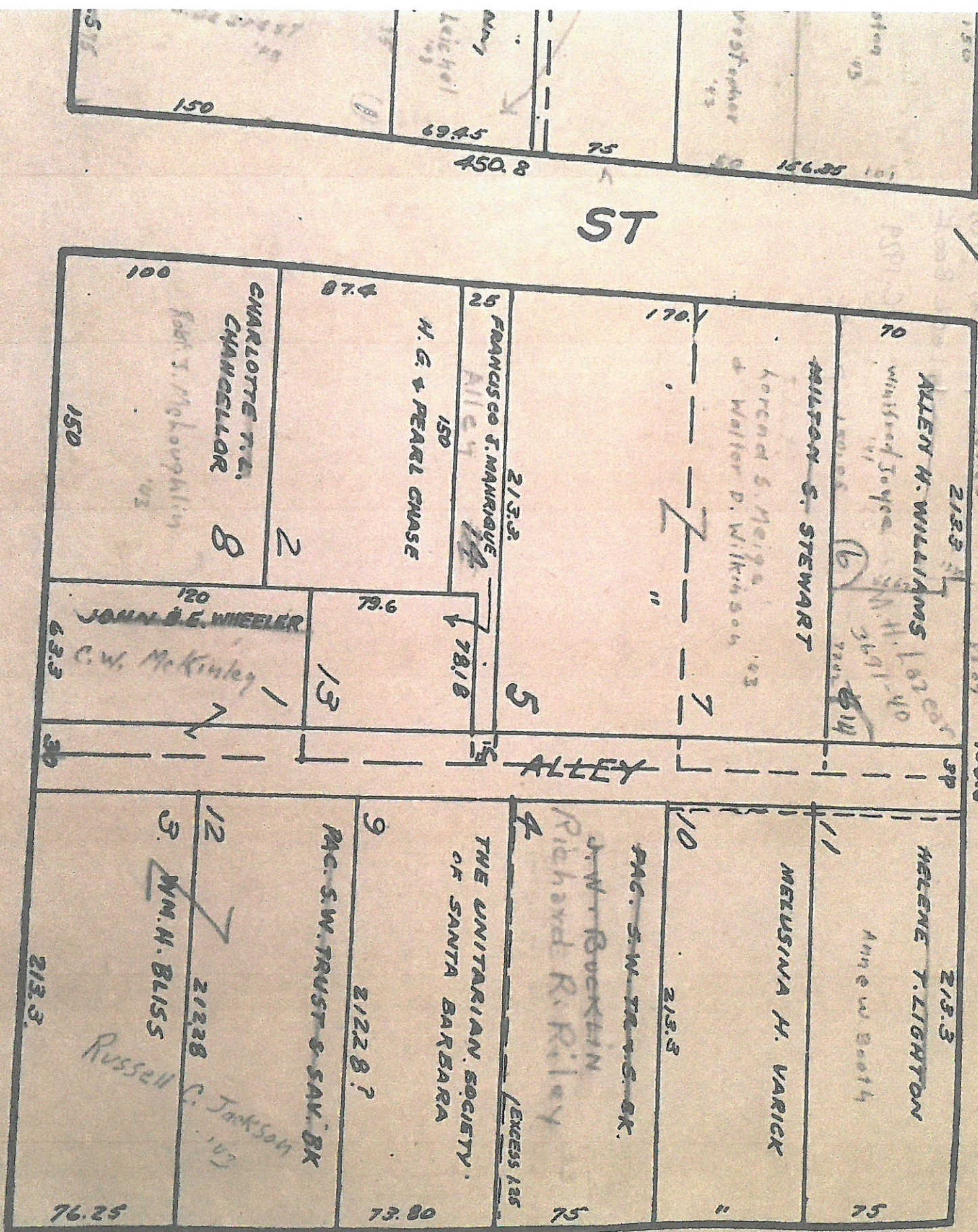
GREEN LANE

30'

115 MISSION



ADDITION
456.6



ST

ALLEY

ST

425.5

57A55T

ANCAPA

STAFF

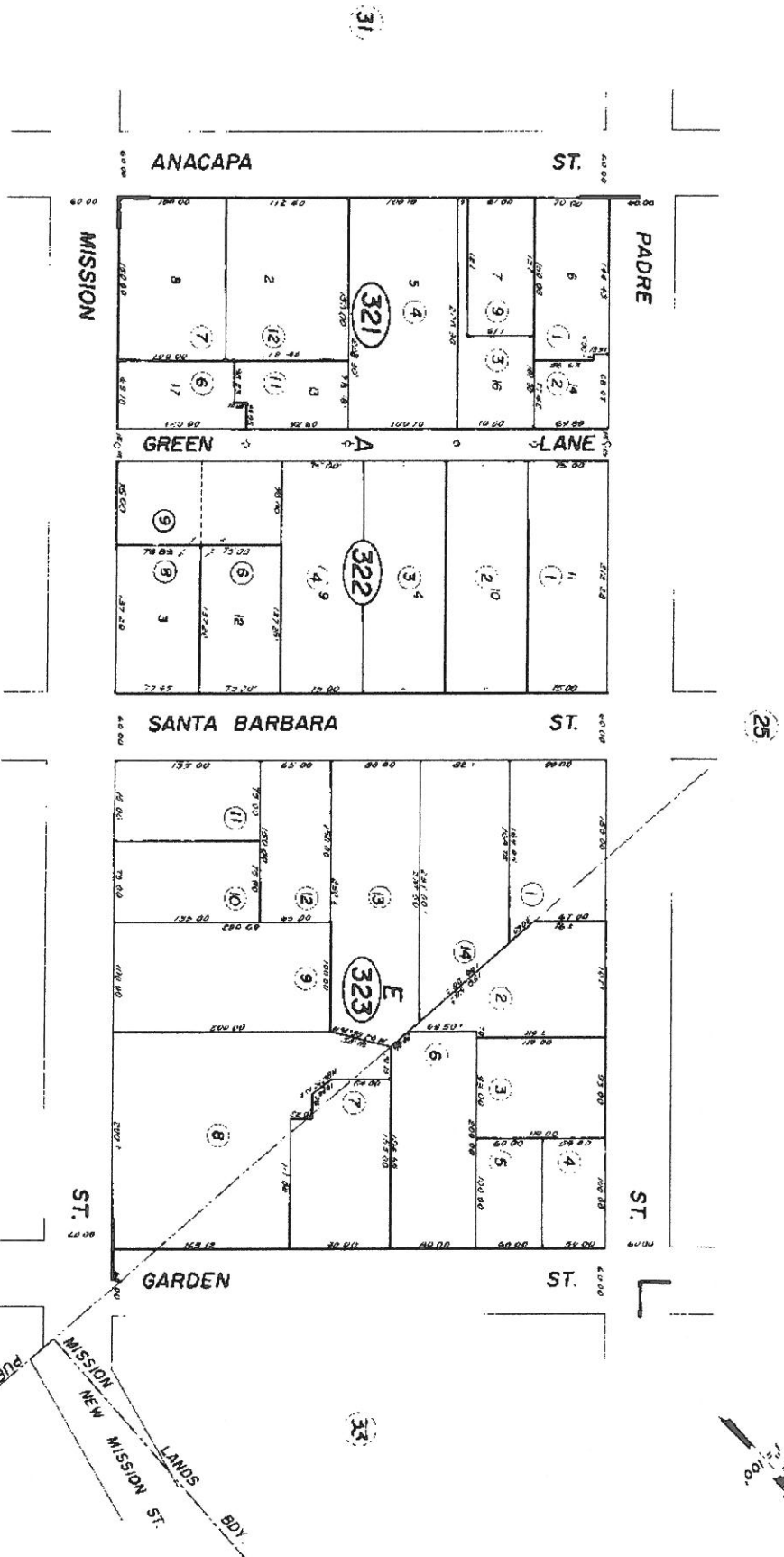
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BLNBS

MISSION	STREET
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PUEBLO LANDS & MISSION LANDS

25-32



R. M. Bk. 1, Pg. 26—Mission Addition

NOTE—Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 25 - Pg. 32
County of Santa Barbara, Calif.

1172

Street	Cost	Sq Ft	COST /SQ FT	10 Y PAYBACK / MONTH	XTRA SF CHARGE	COST EST	cost / SF	# of BLD COST
19-31 C. P.Jaeger	8000000	18129	441.281924	8333.33	0.46	748000	41.25986	9.4%
800 State Starbucks	8625000	7956	1084.087481	8333.33	1.05			

Sanacapo St

Paete St

Olney

Mission St

Santa Barbara St

Location of Olney
Block A, Mission Ad,
City of Santa Barbara, Calif.
Surveyed by
H. L. Erwin
Date of map
1911

Block E
Hump Addition

Panel 3

Survey of lot
Block L, Olney Addition
City of Santa Barbara, Calif.
H. L. Erwin
Surveyed by
Date of map
1911

Garden St

Paete St

New Mission St

Laguna St

Survey of lot in Block A
Mission Addition
City of Santa Barbara, Calif.
Surveyed by
Date of map
1911

Subdivision of Land
Block L, Olney Addition
City of Santa Barbara, Calif.
H. L. Erwin
Surveyed by
Date of map
1911



City of Santa Barbara
Building & Safety Division
**Request For Relief From
Unreasonable Hardship**

(Above Valuation Threshold)

2016 California Building Code, 11B-202.4, Exception 8.

Community Development
630 Garden Street
805-564-5485

1. Address of building or tenant space involved: 21 E. Canon Perdido
2. BLD2018-02199
3. Occupancy Classification: B, A-2, M
4. Expected or potential use by persons with accessibility needs: Occasional & standard elevator use by tenants and guests on second and third floors.
5. Reason for Hardship Request: Please see Attachment 5

6. Total adjusted cost of project (less accessibility requirements): \$ 748,000 (A)
20% of total cost of project: \$ 149,600 (20%A)

7. Path of Travel features to be constructed:

FEATURE	REMARKS	COST
Accessible entrance		<u>\$ 25,500</u>
Accessible route to altered area	<u>hardship item not included</u>	<u>\$ 108,000</u>
Parking		<u>\$ 0</u>
At least one accessible restroom for each sex		<u>\$ 150,000</u>
Accessible telephones		<u>\$ 0</u>
Drinking fountain		<u>\$ 2,000</u>
When possible, additional accessible elements		<u>\$ 5,750</u>
		Total: <u>\$ 291,250</u> (B)

City of Santa Barbara
Building & Safety Division
Request For Relief From Unreasonable Hardship
2016 California Building Code, 11B-202.4, Exception 8.
(Continued from page 1)

Address: 21 E. Canon Perdido

BLD2018-02199

8. Accessibility features subject to unreasonable hardship:

FEATURE	REMARKS	COST
Accessible entrance		\$
Accessible route to altered area	<u>Elevator</u>	<u>\$ 1,046,070</u>
Parking		\$
At least one accessible restroom for each sex		\$
Accessible telephones		\$
Drinking fountain		\$
When possible, additional accessible elements		\$

Total: \$1,046,070(C)

9. The accessibility features, that will be constructed, increase construction by

38.9 %. (B divided by A) Must be greater than 20% of A.

10. The accessibility features, subject to unreasonable hardship, would increase construction by

139.8 %. (C divided by A)

11. Additionally, barrier removal is ongoing obligation for the Americans with Disabilities Act and the granting of an unreasonable hardship does not exempt the obligation of removing barriers in a reasonable time frame. By signing this document, you acknowledge that the project will be in reasonable compliance with Chapter 11B of the California Building Code, but will not necessarily fully comply with the Americans With Disabilities Act.

12. Name of Owner: EL CENTRO BUILDING, LLC

Signature: 

Telephone number: 805-770-7110 (ANACAPA, Agent)

(office use only)

Building Division
Approved by: _____

Title: _____

Signature: _____

Date: _____